

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

|                              |   |                       |
|------------------------------|---|-----------------------|
| CHRISTOPHER PIERCE,          | ) |                       |
|                              | ) |                       |
| Petitioner,                  | ) |                       |
|                              | ) |                       |
| v.                           | ) | Case No. CIV-06-375-R |
|                              | ) |                       |
| RAY ROBERTS, <i>et al.</i> , | ) |                       |
|                              | ) |                       |
| Respondents.                 | ) |                       |

**REPORT AND RECOMMENDATION**

Mr. Christopher Pierce has filed a petition for habeas relief. With the petition, he filed an inmate account statement. The Court construes the affidavit as a request for leave to proceed *in forma pauperis*. The affidavit indicates that Mr. Pierce has \$41.16 in his institutional account as of March 10, 2006, and the filing fee is only \$5.00.<sup>1</sup> Because Mr. Pierce has adequate funds for the filing fee, the undersigned recommends that the Court: (1) deny the application for leave to proceed *in forma pauperis*, and (2) order payment of the filing fee within twenty days.<sup>2</sup>

The Petitioner is advised of his right to object to this report and recommendation by May 1, 2006. *See* W.D. Okla. Local Civil Rule 72.1(a). If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely

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<sup>1</sup> *See* 28 U.S.C. § 1914(a) (2000).

<sup>2</sup> *See* W.D. Okla. LCvR 3.3(e).

object, he would waive his right to appellate review over a denial of pauper status in the district court. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation does not dispose of all issues referred to the undersigned in the present action.

Entered this 10th day of April, 2006.

  
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Robert E. Bacharach  
United States Magistrate Judge